

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

RANDALL G. BARRETT, JOE REYES	§	
GONZALEZ,	§	
	§	
Plaintiffs,	§	Civil Action
	§	No. C-06-291
v.	§	
	§	
TRANSUNION CONSUMER RELATIONS,	§	
	§	
Defendant.	§	

ORDER DENYING MOTION FOR RECONSIDERATION

On this day came on to be considered Plaintiffs' motion for reconsideration (D.E. 7) of this Court's order of dismissal (D.E. 6). For the reasons set forth below, Plaintiffs' motion for reconsideration is hereby DENIED.

On September 26, 2006, as a result of Plaintiffs' repeated failure to serve the Defendant in this matter, the Court dismissed this action for failure to prosecute. (D.E. 6). Plaintiffs had until October 2, 2006 to file a motion for reconsideration of this Court's order of dismissal. (Id.). The Court specifically ordered that "**[p]rior to filing a motion for reconsideration, Plaintiffs must have effectuated service upon the Defendant.**" (Id.) (emphasis added).

On October 2, 2006, Plaintiffs filed their motion for reconsideration of this Court's order of dismissal. (D.E. 7). However, in direct contravention of this Court's Order, Plaintiffs had not effectuated service upon the Defendant. Plaintiffs allege

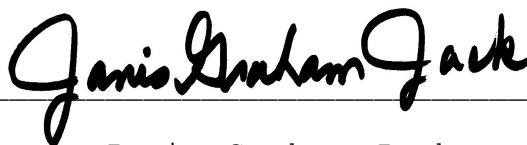
that they have been unable to determine how to serve the Defendant, and that only recently, after "significant effort," did Plaintiffs determine a name and address for a corporate officer of TransUnion. (Id. at ¶ 10) ("Although service has not been effected by this date, significant effort has been undertaken to determine how to properly and hopefully effectively obtain service.").

The Court was able to determine the headquarters address of the Defendant, along with a list of names of all of corporate officers, in less than five minutes. This information is readily available on the internet, and there is no viable reason for Plaintiffs' extensive and repeated delay in effectuating service on the Defendant.

Plaintiffs have had three separate opportunities to serve the Defendant in this case, and Plaintiffs have directly disobeyed this Court's orders to effectuate service on two separate occasions.

Accordingly, Plaintiffs' motion for reconsideration is hereby DENIED.

SIGNED and ENTERED this 3rd day of October, 2006.

A handwritten signature in black ink, reading "Janis Graham Jack", is written over a horizontal line.

Janis Graham Jack
United States District Judge